

AN ORDINANCE

96813

ACCEPTING THE LOW BID SUBMITTED BY V.W. BROOKS INCORPORATED IN THE AMOUNT OF \$711,000.00 FOR CONSTRUCTION WORK IN CONNECTION WITH THE LADY BIRD JOHNSON PARK SKATE/AQUATICS FACILITY PROJECT LOCATED IN COUNCIL DISTRICT 10; APPROPRIATING \$789,085.00 IN 1994 AND 1999 PARK BOND FUNDS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A STANDARD CONSTRUCTION CONTRACT; AUTHORIZING \$71,100.00 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$5,000.00 FOR ARCHITECT CONTINGENCY EXPENSES, \$135.00 FOR BID ADVERTISING/PRINTING EXPENSES AND \$1,850.00 FOR PERMIT FEES; AND PROVIDING FOR PAYMENT.

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**WHEREAS**, 1994 Park General Obligation (GO) Bond Funds and 1999 Park GO Bond Funds were approved by the voters for the development of park improvements in Lady Bird Johnson Park; and

**WHEREAS**, the City is in the process of developing a combined aquatics and skating facility in the City's Lady Bird Johnson Park, located at 10700 Nacogdoches in City Council District 10; and

**WHEREAS**, on June 22, 2000, the City Council approved a professional services agreement with Rialto Studio, Inc. to provide all of the necessary architectural services including facilities design services, preparation of construction documents, as well as construction administration services; and

**WHEREAS**, capital improvements for the Lady Bird Johnson Park aquatics and skating facility will include the construction of a new in-ground 25 meter swimming pool, bathhouse/restrooms, specialty in-ground concrete skating structure, basketball court renovation, sidewalks, curbs, fencing, all necessary site preparation, selective site demolition, mechanical, electrical, plumbing and ADA compliance; and

**WHEREAS**, the City has received bids for said work and V.W. Brooks Incorporated has submitted the low qualified base bid of \$610,000.00 and overall low bid with alternates 1 through 6 of \$711,000.00; and

**WHEREAS**, it is now necessary to accept the low qualified bid of V.W. Brooks Incorporated for said work, authorize a standard public works construction contract for said

project, appropriate 1994 and 1999 Park Bond Funds into the project budget, authorize a project contingency, permit fees, and to provide for payment; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**Section 1.** The low qualified base bid of \$610,000.00 plus bid alternates 1 through 6 for a total bid of \$711,000.00 from V.W. Brooks Incorporated for capital improvements to the City's Lady Bird Johnson Park aquatics and skating facility is hereby accepted. The City Manager, or her designee is hereby authorized to execute a standard form public works construction contract for the job. A copy of the contractor's bid is affixed hereto and incorporated herein for all purposes as Attachment II. All other bids will be deemed rejected upon the execution of a contract by the successful bidder and the deposit of all required bonds and insurance certificates or the expiration of sixty (60) days from the effective date of this ordinance accepting the low bid, whichever event occurs first.

**Section 2.** The budget in fund 45-480095, 1994 Park Bonds – Sold in 2000, shall be revised by reducing index code 587964, entitled Unallocated Appropriations-Proceeds, by \$161,234.47.

**Section 3.** The budget in Fund 45-480012, 1994 Park Bonds – Sold in 2000, shall be revised by increasing index code 950329, entitled Transfer to 45-489010, by \$161,234.47. The amount of \$161,234.47 is authorized to be transferred from fund 45-480012 to fund 45-489010.

**Section 4.** The budget in Fund 45-489000, 1998 Park Bonds Sold in 1998A, shall be revised by increasing index code 115212, entitled Trf fr 45-480012 (45-489010) by \$161,234.47.

**Section 5.** The budget in fund 45-982095, 1999 Park Improvements sold in 2001, in index code 695551, entitled Unallocated Appropriations: Proceeds, shall be reduced by \$627,850.53.

**Section 6.** The budget in fund 45-9820028, 1999 Park Improvements sold in 2001, shall be revised by increasing index code 953307, entitled Transfer to 45-489010, by \$627,850.53.

**Section 7.** The budget in Fund 45-489000, 1998 Park Bonds Sold in 1998A, shall be revised by increasing index code 115220, entitled Trf fr 45-982028 (45-489010) by \$627,850.53.

**Section 8.** The amount of \$711,000.00 is appropriated in fund 45-489010, 1998 Park Bonds Sold in 1998A, in index code 463810, entitled Construction Contract, and is authorized to be encumbered and made payable to V.W. Brooks, Incorporated, for construction work in connection with the Lady Bird Johnson Park Skate/Aquatics Facility Project.

**Section 9.** The amount of \$71,100.00 is appropriated in Fund 45-489010, 1998 Park Bonds Sold in 1998A, in index code 463828, entitled Construction Contingency, and is

authorized to be encumbered and made payable for construction contingency expenses to include code requirements, unknown hidden existing conditions and project betterment, in connection with the Lady Bird Johnson Park Skate/Aquatics Facility Project.

**Section 10.** The amount of \$1,850.00 is appropriated in Fund 45-489010, 1998 Park Bonds Sold in 1998A, in index code 463588, entitled Permit Fees, and is authorized to be encumbered and made payable for Permit Fees, in connection with the Lady Bird Johnson Park Skate/Aquatics Facility Project.

**Section 11.** The amount of \$5,000.00 is appropriated in Fund 45-489010, 1998 Park Bonds Sold in 1998A, in index code 462044, entitled Architect Contingency, and is authorized to be encumbered and made payable for architect contingency expenses in connection with the Lady Bird Johnson Park Skate/Aquatics Facility Project.

**Section 12.** The amount of \$135.00 is appropriated in Fund 45-489010, 1998 Park Bonds Sold in 1998A, in index code 460998, entitled Bid Advertising/Printing, and is authorized to be charged for bid advertising & printing expenses in connection with the Lady Bird Johnson Park Skate/Aquatics Facility Project.

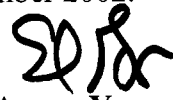
**Section 13.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

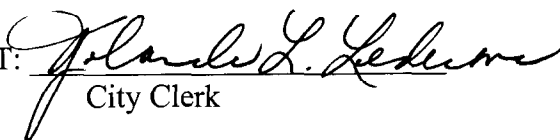
**Section 14.** The City staff is hereby authorized to establish expenditure index codes as needed within the project budgets and to transfer funds between expenditure index codes to facilitate the proper accounting of project expenses.

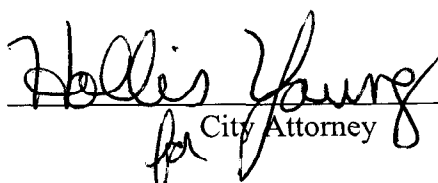
**Section 15.** Eligible expenses that may be incurred from the City's General Fund will be reimbursed from the project budgets in accordance with established financial procedures.

**Section 16.** This ordinance will become effective on the tenth (10th) day after passage hereof.

PASSED AND APPROVED this 12<sup>th</sup> day of December 2002.

  
M A Y O R  
EDWARD D. GARZA

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney